

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,

2:11-cr-00058-JAD-CWH

Plaintiff

V.

## Order Directing Government Response

Phillip Smith and Develle Rural Merritte,

[ECF No. 258]

## Defendants

10 Defendant Phillip Smith pled guilty with a plea agreement to seven counts of Hobbs Act  
11 Robbery and one count of conspiracy to commit Hobbs Act Robbery, and he is serving nearly 20  
12 years for these offenses. That sentence is running concurrently with a state-court sentence.<sup>1</sup> Smith  
13 has moved for an order directing the government agencies involved in the investigation of his crimes  
14 to provide him a list of his property in their custody.<sup>2</sup> I could simply grant this motion because the  
15 government failed to oppose it.<sup>3</sup> But because I want the government's input on this issue, I direct a  
16 response instead.

17 Accordingly, IT IS HEREBY ORDERED that the government must respond to Smith's  
18 **Motion to Return Seized Property and for Manifest/Description of Which Items are in Federal**  
19 **Custody [ECF No. 258] by Wednesday, November 22, 2017.**

Dated November 16, 2017

  
Jennifer A. Dorsey  
United States District Judge

<sup>1</sup> ECF No. 257.

<sup>2</sup> ECF No. 258.

<sup>3</sup> The government is cautioned that the court expects responses to motions filed in criminal matters and, in the future, the court will not be so inclined to give the government an additional opportunity to respond.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28